

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

THOMAS P. GORDON,
SHERRY L. FREEBERY,
JANET K. SMITH

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CRIMINAL NO. 05-cr-00541-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

November 15, 2006

On November 1, 2006, the government filed a motion seeking my recusal from this case. The facts relied on in support of this motion are all matters of record. The issue is whether the record demonstrates an anti-government bias on my part, such that a reasonable person would conclude that there is a valid basis for the government's alleged fear that it will not receive a fair trial.

I have concluded that, even as interpreted in the government's motion, the record does not provide even minimal support for the government's motion. Moreover, as the responses filed by the defendants point out, the government's references to the record are incomplete, out-of-context, and sometimes inaccurate.

In my view, the defendants' responses accurately analyze the record, and accurately review the applicable law. No useful purpose would be served by further iteration of the applicable legal principles. Further emotional trauma should be avoided. The government's motion will be denied.

An Order follows.

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ORDER

AND NOW, this 15th day of November 2006, upon consideration of the
Government's Motion for the Recusal of the Honorable John P. Fullam, and defendants'
responses, IT IS ORDERED:

That the government's Motion is DENIED.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.